

# Workshop Two

Name of Item	Why is amendment needed?	What does the amendment do?	Code Sections
<b>Architectural parapets and other architectural projections</b>	Height measurements do not typically allow for architectural parapets and other architectural projections like elevator shaft rooms on top of a building.	Include a footnote to allow for a 42-inch increase in maximum building height for architectural parapets and other architectural projections.	Table 131-02C Table 131-03C Table 131-04C Table 131-04D Table 131-04E Table 131-04F Table 131-04G Table 131-05C Table 131-05D Table 131-05E Table 131-07B
<b>Architectural projections-allow balconies</b>	Currently, architectural balconies are only listed as allowable projections in certain zones. The current inset requirement results in a uniformly flat façade across building elevations. Allowance of balconies as architectural projections would create greater architectural and visual interest in large multi-family projects.	Add balconies to list of allowed architectural projections in the RM zones.	131.0461(c)
<b>Development Appeal Fee</b>	For appeals to City Council, appellants need to pay \$1,000 while fees for appeals to Planning Commission and Hearing officer remain at \$100.	Make all appeals consistent at \$1,000.	None. Requires a resolution to increase the fee.
<b>Home Occupation-reduce parking</b>	To provide regulatory relief in the wake of COVID 19 for home occupations to reduce parking.	As people have shifted to working at home, this change would allow for the reduction of one off street parking space to make it easier for people to establish a home occupation. A minimum of one off street parking space would still be required.	141.0308(c)
<b>Impact Fees for Public Facilities-Parks</b>	To streamline delivery on-site parks.	Revise the Development Impact Fees related to onsite parks.	142.0640
<b>Organic waste requirements-add to refuse and recyclable regulations</b>	Current regulations need to reflect Assembly Bill 1383 which added regulations for the storage of organic waste.	Add organic waste storage regulations to the Refuse and Recyclable regulations.	
<b>Refuse and recyclable materials storage regulations for residential development- Alternative compliance for refuse</b>	Current refuse and recyclable materials storage regulations for residential development requires excessive square footage to be dedicated to refuse and recyclable materials storage space.	Include language that allows for a ministerial reduction in refuse and recyclable materials storage space where it can be demonstrated that the utilization of compactors or comparable technology and/or private haulers can accommodate the same capacity as required by the code.	142.0820

**Table 131-02C**  
**Development Regulations for Open Space Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	OP-	OC-		OR-		OF <sup>(1)</sup> -
3rd>>	1-	2-	1-	1-	1-	1-	
4th>>	1	1	1	2	1		
<b>Max structure height</b> (ft)	--	--	30 <sup>(9)</sup>	30 <sup>(9)</sup>	--		

<sup>(9)</sup> ———Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-03C**  
**Development Regulations for Agricultural Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones			
	1st & 2nd >>	AG	AR		
3rd>>	1-	1-	1-	1-	
4th>>	1	2	1	2	
<b>Max structure height</b> (ft) [See Section 131.0344]	30 <sup>(8)</sup>	30 <sup>(8)</sup>	30 <sup>(8)</sup>	30 <sup>(8)</sup>	

<sup>(8)</sup> ———Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-04C**  
**Development Regulations for RE Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones		
	1st & 2nd >>	RE-		
3rd>>	1-	1-	1-	
4th>>	1	2	3	
<b>Max structure height</b> (ft) [See Section 131.0444(a)]	30 <sup>(11)</sup>	30 <sup>(11)</sup>	30 <sup>(11)</sup>	

**Footnote for Table 131-04C**

<sup>(1)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-04D  
Development Regulations for RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd>>	1-	1-	1-	1-	1-	1-	1-
	4th>>	1	2	3	4	5	6	7
<b>Max structure height</b> (ft)		24/30 <sup>(4,9)</sup>						

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd>>	1-	1-	1-	1-	1-	1-	1-
	4th>>	8	9	10	11	12	13	14
<b>Max structure height</b> (ft)		35 <sup>(9)</sup>						

<sup>(9)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-04E  
Development Regulations for RX Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones	
	1st & 2nd >>	RX-	
	3rd>>	1-	1-
	4th>>	1	1
<b>Max structure height</b> (ft) [See Section 131.0444(c)]		30 <sup>(2)</sup>	30 <sup>(2)</sup>

**Footnotes for Table 131-04E**

<sup>(2)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-04F  
Development Regulations for RT Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>				
	1st & 2nd >>	RT-				
	3rd>>	1-	1-			
	4th>>	1	1			
<b>Max structure height</b> (ft) [See Section 131.0444(d)]						
1 and 2 story buildings (ft)						
slab floor		21 <sup>(1)</sup>				
raised floor		25 <sup>(1)</sup>				
3 story buildings (ft)						
slab floor		31 <sup>(1)</sup>				
raised floor		35 <sup>(1)</sup>				

**Footnote for Table 131-04F**

- <sup>(1)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-04G  
Development Regulations for RM Zones**

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM-					
	3rd>>	1-	1-	1-	2-	2-	2-
	4th>>	1	2	3	4	5	6
<b>Max structure height</b> (ft)		30 <sup>(17,38)</sup>	30 <sup>(17,38)</sup>	30 <sup>(17,38)</sup>	40 <sup>(18,37,38)</sup>	40 <sup>(18,37,38)</sup>	40 <sup>(18,37,38)</sup>

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>					
	1st & 2nd >>	RM-					
	3rd>>	3-	3-	3-	4-	4-	5-
	4th>>	7	8	9	10	11	12
<b>Max structure height</b> (ft)		40 <sup>(37,38)</sup>	50 <sup>(37,38)</sup>	60 <sup>(37,38)</sup>	-- <sup>(37)</sup>	-- <sup>(37)</sup>	-- <sup>(37)</sup>

<sup>(38)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-05C  
Development Regulations for CN Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones					
	1st & 2nd >>	CN					
3rd>>	1-	1-	1-	1-	1-	1-	
4th>>	1	2	3	4	5	6	
<b>Max structure height</b> (ft)	30 <sup>(5)</sup>	30 <sup>(5)</sup>	30 <sup>(5)</sup>	65 <sup>(5)</sup>	65 <sup>(5)</sup>	65 <sup>(5)</sup>	

<sup>(5)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-05D  
Development Regulations for CR, CO, CV, CP Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones									
	1st & 2nd >>	CR-	CO-					CV-		CP-	
3rd>>	1-   2-	1-	2-	3-	1-	2-	3-	1-	1-		
4th>>	1	1	2	1-	2-	1	2	3	1	2	6
<b>Max structure height</b> (ft)	60 <sup>(6)</sup>	45 <sup>(6)</sup>	60 <sup>(6)</sup>	45 <sup>(6)</sup>	65 <sup>(6)</sup>	50 <sup>(6)</sup>	65 <sup>(6)</sup>	70 <sup>(6)</sup>	60 <sup>(6)</sup>	45 <sup>(6)</sup>	30 <sup>(6)</sup>

<sup>(6)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-05E  
Development Regulations for CC Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones														
	1st & 2nd >>	CC-														
3rd>>	1-	2-	4-	5-	1-	2-	4-	5-	1-	2-	4-	5-	2-	3-	4-	5-
4th>>	1				2				3				4			

<b>Max structure height</b> (ft)	30 <sup>(6)</sup>	60 <sup>(6)</sup>	45 <sup>(6)</sup>	30 <sup>(6)</sup>
----------------------------------	-------------------	-------------------	-------------------	-------------------

<b>Development Regulations</b> [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	<b>Zones</b>									
	1st & 2nd >>	CC-									
	3rd>>	2-	3-	4-	5-	3-	4-	5-	3-	3-	3-
	4th>>	5			6			7	8	9	
<b>Max structure height</b> (ft)	100 <sup>(6)</sup>	65 <sup>(6)</sup>			65 <sup>(6)</sup>	100 <sup>(6)</sup>	-				

<sup>(6)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

**Table 131-07B**  
**Development Regulations for RMX and EMX Zones**

<b>Development Regulations</b>	<b>Zones</b>					
	RMX-			EMX-		
	1	2	3	1	2	3
<b>Max structure height</b> (ft) <sup>(2)</sup>	120 <sup>(4)</sup>	240 <sup>(4)</sup>	-	120 <sup>(4)</sup>	240 <sup>(4)</sup>	-

<sup>(4)</sup> Where development includes architectural parapets and other architectural projections, ministerial maximum building height is increased by 42 inches.

## Architectural projections-allow balconies

§131.0461

- (c) In the RM-2-4, RM-2-5, RM-2-6, RM-3-7, RM-3-8, RM-3-9, RM-4-10, RM- 4-11, and RM-5-12 zones, architectural projections and encroachments listed in Section 131.0461(a) are permitted with the following limitations. No permitted architectural projection or encroachment may be located in required yards within view corridors that are designated by land use plans in the Coastal Overlay Zone, in a required visibility area, a required turning radius, or vehicle back-up area except where development regulations may allow.
- (1) For front and rear yards, one encroachment is permitted per 50 feet of building facade length, with a minimum of 10 feet between encroachments.
  - (2) For side yards, two encroachments are permitted per 50 feet of building facade length, with a minimum of 10 feet between encroachments.
  - (3) A minimum of 3 feet must be provided between the encroachment and the property line.
  - (4) Garages or non-habitable accessory buildings that meet the requirements in Sections 131.0461(a)(12)(A) through 131.0461(a)(12)(E) may only encroach into a required side or rear yard if they are detached.
  - (5) Dormers may project into the angled building envelope plane as follows:
    - (A) The aggregate width of dormers may not exceed 50 percent of the length of the roof plan to which the dormers will be attached; and
    - (B) Dormers may not extend beyond a height of 40 feet.
  - (6) Projecting balconies may encroach into required minimum front and street side yards subject to the following requirements:
    - (A) One unenclosed projecting balcony per dwelling unit is permitted for each story above the first story;
    - (B) A projecting balcony may encroach up to 4 feet into required minimum yards;
    - (C) Support posts to the ground below are not permitted unless the area below the balcony serves as a projecting entry and provides shelter for an access door to the dwelling unit;  
and
    - (D) The maximum permitted width of projecting balconies is 12 feet.

**Development Appeal Fee**  
**Make all appeals consistent at \$1,000.**

**Survey of Appeal Fees – San Diego County Jurisdictions**

City of San Diego

Appeal of Process 2 Decision - \$ 100

Appeal of Process 3 Decision - \$ 100

Appeal of Process 4 Decision - \$ 1000

**Other City's in County listed from High to Low:**

Oceanside

Any Appeal - \$ 1,838

County of San Diego

Admin Appeal - \$ 1,833 plus Full Cost Recovery

Appeal to PC - \$ 1000

Appeal to B of S - \$ 1,000

Fee Waived for Community Planning Groups

Solana Beach

Resident - \$ 1,676

Non-Resident - \$ 4,192

Escondido

Any Appeal - \$ 1,500

Del Mar

Any Appeal - \$ 1,498

National City

Any Appeal - \$ 1,000

Carlsbad

Any Appeal - \$ 876

Poway

Any Appeal - \$ 765

Vista

Any Appeal – \$ 577.61

Chula Vista

Appeal from Public - \$ 440

Applicant Appeal - \$ 250 plus Full Cost Recovery

Santee

Any Appeal - \$ 357

Appeal to Engineering Condition - \$ 595

El Cajon

Appeal to PC - \$ 280

Appeal to CC - \$ 1,000

La Mesa

Any Appeal - \$ 100

San Marcos

Resident - \$ 20

Non-Resident - \$ 1155

**§141.0308 Home Occupations**

Home occupations are businesses conducted by residents on the *premises* of their homes. Home occupations, including cottage food operations authorized pursuant to California Government Code section 51035, are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. An *applicant* may deviate from the requirements in Section 141.0308(k) through (n) by obtaining a Neighborhood Use Permit in accordance with Section 126.0203.

- (a) Through (b) [No change in text]
- (c) The home occupation may have a reduction of one ~~shall not result in the elimination or the reduction of~~ required off-street parking which does not result in the elimination of all off-street parking.
- (d) through (n) [No change in text]

**§142.0640 Impact Fees for Financing Public Facilities**

- (a) Purpose [No change in text]
- (b) Payment of Fees

Development Impact Fees (as defined in California Government Code Section 66000) for applicable *development* shall be paid prior to requesting a final inspection. A final inspection shall not occur until the applicable DIFs are paid at the time required building permit fees are paid and no later than the first inspection of the development performed by the City in areas where Development Impact Fees have been established by City Council resolution or ordinance. Notwithstanding the above, the City Manager may also require the payment of Development Impact Fees for development that would increase demand for public facilities and/or result in the need for new public facilities. Development Impact Fees shall not be required for inclusionary dwelling units provided pursuant to Chapter 14, Article 2, Division 13 if the applicant has satisfied all the requirements of Division 13 for inclusionary dwelling units on the same premises as the market-rate dwelling units. The Development Impact Fee required by the City Manager shall be paid at the time required building permit fees are paid and no later than the first inspection of the development performed by the City. The amount of the DIFs shall be determined by the DIFs rate for the year in which the DIFs for the year in which the DIFs are paid as set forth in the DIFs schedule in effect when the Building Permit was issued, or a subsequently-approved DIFs schedule, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(c) if applicable.

Exemptions:

- (1) through (5) [No change in text]
- (6) Development that designs and constructs an onsite park pursuant to a General Development Plan approved in accordance with Council Policy 600-33 that satisfies the development's park requirements, shall be exempt from payment of DIF related to parks. Development that designs and constructs an onsite park pursuant to a General Development Plan approved in accordance with Council Policy 600-33 that satisfies a portion of the development's park requirements, shall be subject to payment of the DIF related to parks at a rate that is the same percentage less than the DIF for parks as the percentage that the onsite park that is

satisfying the *development's* park requirements. To be eligible for any exemption under this subsection, the following requirements shall apply:

- (A) The park shall be designed and constructed in accordance with a General Development Plan approved in accordance with Council Policy 600-33;
- (B) The park shall be designed and constructed in accordance with the City's standards for design and construction of parks;
- (C) The park shall be publicly accessible in perpetuity, in accordance with a recorded recreation easement, or other instrument, to the satisfaction of the Parks and Recreation Director;
- (D) The park shall be privately maintained for at least 30 years, in accordance with a recorded maintenance agreement, or other instrument, to the satisfaction of the Parks and Recreation Director;
- (E) A performance bond shall be provided for the design and construction of the park prior to the issuance of the first building permit for any *dwelling units* in the *development*, and no final inspection shall occur for the remaining 75 percent of the total *dwelling units* in the *development* until the park has been completed to the satisfaction of the Parks and Recreation Director;
- (F) Prior to requesting final inspection of the first *dwelling unit* in the *development*, a fee in the amount of 10 percent of the total DIF related to parks that would have otherwise been required, shall be paid to fund park and recreation improvements in the City.
- (G) The otherwise applicable DIF is designated only for park and recreation improvements; if a DIF does not distinguish separate rates for the park component of the fee, then this subsection 142.0640(b)(6) shall not apply.

Table 142-06A [No change in text]

(c) [No change in text]

~~(d) Fee Deferral~~

~~Notwithstanding Section 142.0640(b), Building Permits or *construction permits*, as applicable, may be issued if the City Manager defers payment of the DIFs in accordance with this Subsection. DIFs due pursuant to the City's Regional Transportation Congestion Improvement Program shall not be deferred under any circumstance.~~

~~(1) Unless otherwise specified in Section 142.0640(d)(5), payment of DIFs may be deferred for a maximum period of two years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable DIFs are paid.~~

~~(2) Payment of DIFs shall not be deferred unless and until a Fee Deferral Agreement is entered into to the satisfaction of the City Manager. The Fee Deferral Agreement shall be recorded against the applicable property in the Office of the San Diego County Recorder and shall constitute a lien for the payment of the DIFs. The Fee Deferral Agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the Fee Deferral Agreement.~~

~~(3) Payment of DIFs shall only be deferred if the applicable administrative processing fee, as adopted by City Council resolution, is paid by the applicant.~~

~~(4) If payment of the DIFs are deferred, the deferred DIFs due shall be determined in accordance with Section 142.0640(b) (c), except that, if the DIFs are paid prior to the end of the deferral period as set forth in Section 142.0640(d)(1), the amount of the DIFs shall be determined by the DIFs rate for the year in which the DIFs are actually paid as set forth in the DIFs schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently approved DIFs schedule, whichever schedule is lower, plus an automatic increase consistent with Section 142.0640(e) if applicable. If the DIFs are not paid timely as provided for in the Fee Deferral Agreement, the amount of the DIFs shall be determined in accordance with the DIFs schedule in effect when the DIFs are actually paid, or the schedule in effect at the end of the DIFs deferral period as set forth in Section 142.0640(d)(1), plus automatic increases consistent with Section 142.0640(e), whichever amount is greater.~~

~~(5) Notwithstanding Section 142.0640(d)(1), for Building Permits or *construction permits* issued between March 1, 2020 and March 1,~~

~~2022, payment of DIFs may be deferred for a maximum period of three years from the effective date of a Fee Deferral Agreement, or until a final inspection is requested, whichever occurs earlier. A final inspection shall not occur until the applicable DIFs are paid. For Building Permits or *construction permits* issued between March 1, 2020 and March 1, 2022, notwithstanding Section 142.0640(d)(4), the amount of the DIFs shall be determined by the DIFs rate for the year in which the DIFs are actually paid as set forth in the DIFs schedule in effect when the Fee Deferral Agreement was executed by the City, or a subsequently approved DIFs schedule, whichever schedule is lower, plus automatic increases for the first two years only, consistent with Section 142.0640(e), if applicable.~~

(~~d~~e) Waiver or Reduction of Fees

Any party on whom DIFs are imposed, may file an application for a waiver or reduction of the DIFs with the City Manager in accordance with this Subsection. Nothing in this Subsection shall affect the requirements set forth in Section 142.0640(b). The procedures provided in this Subsection are additional to any other procedure authorized by law for protesting or challenging DIFs.

(1) through (2) [No change in text]

(~~2~~) An application for a waiver or reduction of DIFs shall be filed no later than 10 calendar days after ~~either the DIFs are paid, or the associated Fee Deferral Agreement has been fully executed by the City, whichever occurs earlier.~~

(3) through (7) [No change in text]

(f) through (g) [No change in text]

Organic waste requirements-add to refuse and recyclable regulations and alternative compliance for refuse

**§126.0117 Provision of Refuse, Recyclable Material, and Compostable Material Collection**

All existing and new development that generates refuse, recyclable materials, and/or organic waste shall provide for the collection and management of these materials pursuant to Municipal Code Chapter 6 Article 6. New and modified developments shall provide adequate storage for these materials, as outlined in Section 142.0801 and meet the eligibility requirements outlined in the City's Waste Management Regulation (R-009-10) to receive City force refuse, recycling and organic waste material collection. Land uses that exceed the volume generation threshold for organic waste established in municipal code section 66.0713(b) shall comply with collection and reporting requirements in Chapter 6 Article 6 and 7.

**§141.0103 Applicable Regulations for Separately Regulated Uses**

- (a) Except as specifically provided in this article, separately regulated uses are subject to the following regulations unless a variance has been approved in accordance with Chapter 12, Article 6, Division 8:
- (1) [No change in text,]
  - (2) All applicable regulations of Chapter 13, Article 2 (Overlay Zones); ~~and~~
  - (3) All applicable regulations of Chapter 14 ( General Regulations); ~~and~~  
and
  - (4) All applicable regulations of Chapter 6, Article 6 (Collection, Transportation and Disposal of Refuse and Solid Waste.

**Article 2: General Development Regulations**

**Division 8: Refuse, Organic and Recyclable Materials Storage Regulations**

**§142.0801 Purpose of Refuse, Organic and Recyclable Materials Storage Regulations**

The purpose of these regulations is to provide permanent, adequate, and convenient space for the storage and collection of refuse, and recyclable, and organic material material. The intent of these regulations is to encourage recycling and composting of solid waste to reduce the amount of waste material entering landfills and to meet the recycling and waste reduction goals established by the City Council and mandated by the state of California.

**§142.0805 When Refuse, Organic and Recyclable Materials Storage Regulations Apply**

Refuse, organic material and recyclable materials storage shall be provided for the following types of *development* as indicated in Table 142-08A:

(a) through (c) [No change in text.]

**Table 142-08A**

**Refuse ~~and~~ Recyclable, and Organic Material Storage Regulations  
Applicability**

<b>Type of <i>Development</i> Proposal</b>	<b>Applicable Regulations</b>	<b>Required Permit Type/Decision Process</b>
<i>Development of a single dwelling unit</i>	Exempt from this division	Exempt from this division
New residential <i>development</i> involving two or more <i>dwelling units</i>	Sections 142.0810, <del>and</del> 142.0820, <u>and 142.0831</u>	No permit required by this division
<i>New nonresidential development</i>	Sections 142.0810, <del>and</del> 142.0830, <u>and 142.0831</u>	No permit required by this division
Additions to existing <i>multiple dwelling unit</i> residential, commercial, or industrial <i>development</i> where the <i>gross</i>	Sections 142.0810, 142.0820, <del>and</del> 142.0830, <u>and 142.0831</u>	No permit required by this division

Type of <i>Development</i> Proposal	Applicable Regulations	Required Permit Type/Decision Process
<i>floor area</i> would be increased by 30 percent or more		

**§142.0810 ~~General Regulations for Refuse, Organic, and Recyclable Material Storage of~~ Operational Debris Regulations**

New residential *development* as indicated in Section 142.0805 shall provide on-site areas for the storage of refuse and *recyclable material* that meet the following standards:

- (a) [No change in text.]
- (b) Location of Material Storage Areas
  - (1) [No change in text.]
  - (2) Material storage areas may be located outside a *structure* in required rear *yards* or in required side *yards*. Exterior material storage areas shall be located onsite and be accessible to haulers from the public right-of-way. ~~not be located in any front yard, street side yard, street yard area, parking area, landscaped area, or any other area required by the Municipal Code to be constructed or maintained unencumbered according to fire or other applicable building or public safety laws.~~ They cannot be located in required landscape area.
  - (3) Material storage areas shall be accessible to occupants and haulers.
  - ~~(4)~~(3) *Premises* served by an *alley* shall provide material storage areas that are directly accessible from the *alley*.

~~(5)~~ One *sign* identifying the material storage area is required for each area and shall be posted on the exterior of the material storage area near the point of access. The maximum *sign copy area* permitted for each *sign* shall be one square foot.

~~(6)~~(4) For commercial *development* on *premises* not served by an *alley*, material storage areas shall be located at least 25 feet from any *street* or *sidewalk*.

(5) Property owners shall annually provide information to tenants about organic waste recovery requirements and about proper sorting of organic waste. Property owners shall provide information to new tenants upon occupation of the premises.

(6) Some Residential *Developments* may qualify for City Refuse, and Recyclable and Organic Material Collection Services, provided that the users of the service comply with all set-out, bin provision, and bin maintenance responsibilities established by the City and outlined in Waste Management Regulation R-009-10. All requests to initiate residential refuse collection shall be made in writing to the Environmental Services Department on a form approved by the Director. When a *development* is proposed that may qualify for this service, the Environmental Services Department shall immediately be notified of the proposed *development*. To qualify, the entire *development* shall meet all the following criteria:

A. The entire *development* shall be located within the City.

- B. Each individual residential property shall be located on, addressed on, and contiguous to a *street* or *alley* with reasonable access to a City designated collection point and safe access for City Force collection vehicles. The *street* or *alley* shall have adequate space for the proper placement and separation of all containers for collection, as prescribed in Waste Management Regulation R-009-10 without obstructing the normal flow of traffic, violating any laws or creating other unsafe condition.
- C. Each residential property within the *development* shall have adequate onsite storage space to store the number of approved refuse, recyclable and organic material collection containers needed to contain the amount of refuse, recyclable material and organic material ordinarily accumulated during the interval between collections.
- D. The City will not provide residential refuse collection to *developments* in gated communities, located on private streets, addressed on *streets* if any of the residential properties in the gated community do not have reasonable access to a dedicated *street* or *alley* designated as suitable for City Force collection vehicles.
- E. The City will not provide residential refuse collection service to *multiple dwelling units* facilities without

adequate storage space on the property for the number of approved refuse, recyclable and organic material waste collection containers needed to contain the amount of refuse, recyclable and organic material waste ordinarily accumulated during the interval between collections.

F. The City will not provide residential refuse collection service to any residential facilities, even if addressed on a street, that are located on a private street or private alley and do not have reasonable access to a designated collection location on a street or an alley and/or which require City Forces to travel across a private street or private alley to delivery, maintain or repair an automated collection container.

G. The street or alley location for containers shall provide space sufficient for all three types of containers, in suitable numbers to adequately contain wastes generated onsite, to be placed at three foot intervals, at least three feet from parked cars, lamp posts, telephone poles and guy wires, mail boxes, walls, fences, or any other obstruction. There shall be room for containers to be placed side-by-side, not one in front of another. The area shall not be under a tree, low utility wire, basketball hoop, building overhang or other overhead obstruction.

H. The *development* shall have adequate storage space, not visible from a *street*, to store the number of approved Refuse, Recyclable Material, and Organic Waste collection containers needed to contain the amount of Refuse, Recyclable Material, and/or Organic Waste that accumulates during the interval between collections. Containers may be stored in one or more centralized locations or within the yards, carports or garages of the individual units but shall not be visible from a *street* or *alley*.

I. Prior to issuance of Building Permits for *developments* that meet these qualifications, the City's Environmental Services Department shall be notified of the permit application, including the exact *street* or *alley* access and the number of units to be served.

(c) *Screening of Material Storage Areas.* Material storage areas located outside any *structure* shall be *screened* with a minimum 6-foot-high solid *screening* enclosure that is designed to be architecturally consistent with the primary *structure*. Refuse, organic material, and recyclable material, and material storage containers shall not exceed the height of the solid *screening* enclosure.

(d) One *sign* identifying the material storage area is required for each area and shall be posted on the exterior of the material storage area near the point of

access. The maximum *sign copy* area permitted for each sign shall be one square foot.

**§142.0820 Refuse, ~~and~~ Recyclable, and Organic Materials Storage Regulations for Residential Development**

Applicable residential *development* in accordance with Section 142.0805, shall provide interior and exterior refuse and recycling storage areas as specified below:

- (a) Interior Refuse, organic material, and *Recyclable Material* Storage. Each *dwelling unit* shall be equipped with an interior refuse, organic material, and *recyclable material* storage area.
- (b) Exterior Refuse, organic material, and *Recyclable Material* Storage. Each *structure* that contains *dwelling units* shall provide at least one exterior storage area. The total storage areas requirement is based on the number of *dwelling units* in the *development* as shown in Table 142-08B and includes the sum of all residential material storage areas located outside of individual *dwelling units*.
- (c) Alternative compliance via mechanical compactors or other comparable technology and/or via provision of private refuse and recyclable materials hauling scheduled to meet the specific needs of a development may be allowed ministerially during building plan review if it can be demonstrated that the alternative compliance accommodates the same or greater capacity than Table 142-08B requires.

**Table 142-08B**  
**Minimum Exterior Refuse, Organic, and**  
**Recyclable, and Material Storage Areas for**  
**Residential *Development***

<b>Number of Dwelling Units Per <i>Development</i></b>	<b>Minimum Refuse Storage Area Per <i>Development</i> (Square Feet)</b>	<b>Minimum <i>Recyclable Material</i> Storage Area Per <i>Development</i> (Square Feet)</b>	<b>Total Minimum Storage Area Per <i>Development</i> (Square Feet)</b>
2-6	12	12	24
7-15	24	24	48
16-25	48	48	96
26-50	96	96	192
51-75	144	144	288
76-100	192	192	384
101-125	240	240	480
126-150	288	288	576
151-175	336	336	672
176-200	384	384	768
201+	384 plus 48 square feet for every 25 dwelling units above 201	384 plus 48 square feet for every 25 dwelling units above 201	768 plus 96 square feet for every 25 dwelling units above 201

<b><u>Type of Container</u></b>	<b><u>Minimum Refuse Storage Space (square feet)</u></b>	<b><u>Minimum Recycling Storage Space (square feet)</u></b>	<b><u>Minimum Organic Material Storage Space (square feet)</u></b>	<b><u>Total Minimum Storage Space</u></b>
<u>Roll Out Carts/Bins</u>	<u>6.25 per dwelling unit</u>	<u>6.25 per dwelling unit</u>	<u>6.25 per dwelling unit</u>	<u>18.75 per dwelling unit</u>
<u>6 cubic yard dumpster</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>90</u>

**§142.0830 Refuse, Organic and Recyclable Material Storage Regulations for Nonresidential Development**

- (a) Nonresidential *development*. All new nonresidential *development*, or additions to existing commercial or industrial *development* where the *gross floor area* would be increased by 30 percent or more, shall provide

at least one exterior refuse, organic and *recyclable material* storage area for each building. The total storage area requirement is based on the *gross floor area* of the nonresidential buildings on the *premises*, as shown in Table 142-08C and includes the sum of all nonresidential refuse, organic and ~~recyclable material~~ *recyclable material* storage areas.

- (b) Mixed Use Development with Residential Uses. Where a *development* includes residential as part of a mixed use project, the *development* shall provide refuse, organic and *recyclable material* storage for the residential portion of the project in accordance with Table 142-08B, in addition to the storage areas required by Table 142-08C for the nonresidential *development*.

**Table 142-08C**

**Minimum Exterior Refuse, Organic, and Recyclable Material Storage Areas  
for Nonresidential *Development***

Gross Floor Area Per <i>Development</i> (Square Feet)	Minimum Refuse Storage Area Per <i>Development</i> (Square Feet)	Minimum Recyclable Material Storage Area Per <i>Development</i> (Square Feet)	<u>Minimum Organic Material Storage Area Per <i>Development</i> (Square Feet)</u>	Total Minimum Area Per <i>Development</i> (Square Feet)
0-5,000	12	12	<u>12</u>	<u>24</u> <u>36</u>
5,000-10,000	24	24	<u>24</u>	<u>48</u> <u>72</u>
10,001-25,000	48	48	<u>48</u>	<u>96</u> <u>144</u>
25,001-50,000	96	96	<u>96</u>	<u>192</u> <u>288</u>
50,001-75,000	144	144	<u>144</u>	<u>244</u> <u>432</u>
75,001-100,000	192	192	<u>192</u>	<u>384</u> <u>576</u>
100,001+	192 plus 48 square feet for every 25,000 square feet of building area above 100,001	192 plus 48 square feet for every 25,000 square feet of building area above 100,001	<u>192 plus 48 square feet for every 25,000 square feet of building area above 100,001</u>	<u>384</u> <u>576</u> plus <u>96</u> <u>144</u> square feet for every 25,000 square feet of building area above 100,001

**§142.0831 Refuse, Organic, and Recyclable Material Storage of Construction and Demolition Debris**

*Development shall provide on-site areas for the storage of refuse, organic and recyclable material generated during construction and demolition activities as follows:*

- (a) Size of Material Storage Areas. The size of required material storage areas shall be adequate to collect the materials specified in section 142.0831(c).
- (b) Location of Material Storage Areas.

Material storage areas shall be located onsite if possible, although

permission to use the public right of way may be granted on a case-by-case basis, and the storage area shall be accessible to haulers.

(c) Signage. One *sign* identifying the type of material storage area shall be required for each area. Each *sign* shall be posted on the exterior of the material storage area near the point of access.

(d) Type of Material Storage Areas. For projects up to 10,000 square feet of building space, one location for collection of waste and recyclable materials is sufficient. For projects greater than 10,000 square feet, except in cases where it can be demonstrated that site conditions make it infeasible, two different types of construction and demolition debris shall be collected: (1) construction and demolition debris that includes concrete, asphalt, non-contaminated dirt, metal, wood, drywall, and cardboard, (2) other types of materials, such as carpet and metal. For projects greater than 10,000 square feet:

(1) An on-site area for the storage of construction and demolition debris that includes concrete, asphalt, non-contaminated dirt, metal, wood, drywall, and cardboard shall be provided. The materials shall be disposed of in accordance with Chapter 6, Article 6, Division 6 (Construction and Demolition Debris Diversion Deposit Program Regulations).

(2) A separate, on-site area for the storage of construction and demolition debris materials that does not include concrete, asphalt, non-contaminated dirt, metal, wood, drywall, and cardboard shall

be provided. The materials shall be disposed of in accordance with Chapter 6, Article 6, Division 6 (Construction and Demolition Debris Diversion Deposit Program Regulations).

DRAFT